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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,643	11/05/2002	Goran Eliasson	00173.0017.PCUS00	5973

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EXAMINER

KING, BRADLEY T

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 06/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,643

Applicant(s)

ELIASSON, GORAN

Examiner

Bradley T King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Priority

This application is claiming the benefit of a prior filed nonprovisional application under 35 U.S.C. 120, 121, or 365(c). Copendency between the current application and the prior application is required. Please show that the applications were copending at the time of filing of the later application. See MPEP 1895 (B).

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Please remove the "means" language.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "in dependence of whether a regular brake function, comprising a first brake circuit and a second brake circuit, each of which are out of order, further comprising". The meaning of this limitation is unclear.

Claim 2 recites "said brake function". It is unclear which brake function is "said brake function", and it is unclear how a brake function can consist of a parking brake.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt et al US# 6206489.

Schmidt et al disclose all the limitations of the instant claims including; a first brake circuit (16, 18) and a second brake circuit (20, 22), a first sensor (30, 32) for detecting whether the pressure in the first brake circuit falls below a first limit value, a second pressure sensor (34, 36) for detecting whether the pressure in the second circuit falls below a second limit value, and means for activation of an emergency brake function if the pressure in the first brake circuit falls below the first limit at the same time

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as the pressure in the second circuit falls below the second limit (see steps 128 and 130).

Regarding claim 5, Schmidt et al discloses a control unit 100.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Beck et al (US#4128276).

Beck et al discloses all the limitations of the instant claims including; detection of whether the pressure in a first brake circuit falls below a first limit value, detection of whether the pressure in a second brake circuit falls below a second limit value, and activation of an emergency brake function if the pressure in the first brake circuit falls below the first limit value at the same time as the pressure in the second brake circuit falls below the second limit value. See column 7, lines 10-16. The emergency brake does not activate until both circuits drop below the hold-off pressure of the spring brake and the pressures are mechanically detected via shuttle valve 49.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 4-6 rejected under 35 U.S.C. 103(a) as being unpatentable over Beck et al (US#4128276) in view of Feldmann et al (US#5294190).

Beck discloses an arrangement including: a first brake circuit 26a and a second brake circuit 26b, and means for activation of an emergency brake function if the

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pressure in the first brake circuit falls below the first limit at the same time as the pressure in the second circuit falls below the second limit (See column 7, lines 10-16). Beck et al lack first and second sensors for detecting the pressure in the first and second circuits, instead utilizing a mechanical valve system to provide the emergency function. Electrically controlled systems are well known in the art to simplify installation on larger vehicles, simplify valve systems and provide a greater degree of brake control. Feldmann et al teaches an electrically controlled system including pressure sensors 19 which sense pressure in a brake circuit so that the braking function can be controlled by an electric control device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize an electric control system including pressure sensors as taught by Feldmann et al in place of the mechanical detection system of Beck et al to simplify the brake system and allow increased brake control.

Regarding claim 4, Beck et al disclose a valve device 52 for the manual actuation.

Regarding claim 6, Beck et al and Feldmann et al fail to disclose three separate control units. It is well known in the art to utilize multiple control units to increase redundancy and/or fulfill installation requirements. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize three separate control units as matter of engineering design.

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Allowable Subject Matter

Claim 3 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jensen, Lipscomb et al, Eberling et al, Auman et al, Deem, and Grabb. All show braking systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T King whose telephone number is (703) 308-8346. The examiner can normally be reached on 11:00-7:30 M-F.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

BTK
June 2, 2003


JACK LAVINDER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600